

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE District**

April 24, 2007

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J., Jackson, J. (Assigned) and P. Gonzalez, Deputy Clerk.

Each of the following:

B188535 People v. Bowles
B189046 People v. Raymond
B189285 Choi v. Kim
B189410 People v. Calmon
B189446 People v. Silva
B189957 People v. Martinez & Hernandez
B190019 People v. Miguel L.
B190828 DCFS v. Christopher W.
B190892 People v. Reed
B191625 People v. Leslie King
B192225 Hakimpour v. Andraos Capital Managment
B192613 People v. Serrano
B193065 People v. Cooper
B193663 DCFS v. Darryl H.
B194247 People v. Tylin M.
B194543 DCFS v. Guadalupe A.
B195194 People v. Silas

Argument waived, cause submitted.

Each of the following:

B183052 Moch v. Anderson
B187031 DCFS v. Luchengco

April 24, 2007 (Continued)

DIVISION ONE (continued)

Each of the following (continued):

B188852 Rodriguez v. Fireman's Fund Insurance Co., et al.
B189904 Parmar v. LA CO USC Medical Center
B192609 DCFS v. Elvira C.

Matter continued to May 22, 2007.

B188175 Shelter Management v. Haven for Affordable Housing

Matter continued to June 26, 2007.

B188665 Junho Hyon
v.
Eric Selten

Merits:

Argued by Tom A. Nunziato for appellant and by Harold J. Light for respondent. Cause submitted.

B188325 Ronald Jones
v.
Bernice Johnson

Merits:

Argued by David Romley for appellant and no appearance for respondent. Cause submitted.

DIVISION ONE (continued)

B188849 Joseph Serrato
 v.
 City of Carson

Merits:

Argued by Anthony R. Taylor for respondent and argument waived for appellant. Cause submitted.

Spencer, P.J., assumes the bench.

B172294 People
 v.
 William King

Merits:

Argued by Chris Truax for appellant and by Robert D. Breton for respondent. Cause submitted.

B193438 People
 v.
 Melvin Price

Merits:

Argued by William Flenniken for appellant and by Scott Taryle for respondent. Cause submitted.

B186393 Francis G. D'Ambrosino, M.D.
 v.
 Law Offices of Timothy J. Donahue

Merits:

Argued by Scott M. Radin for appellant and argument waived for respondent. Cause submitted.

DIVISION ONE (continued)

Spencer, P.J., leaves the bench.

Rothschild, J., leaves the bench.

B183138 Remote Communication Systems, Inc., et al.
 v.
 SOCAL Communication Sites, LLC., et al.

Merits:

Argued by Nancy B. Goldstein for respondents and by David M. Marcus
for appellants. Cause submitted.

Rothschild, J., returns to the bench.

B192827 Law Offices of Roger C. Hsu
 v.
 Mark Chiang, et al.

Merits:

Argued by Roger C. Hsu for appellant and by Max C. Chiang for appellant.
Cause submitted.

Rothschild, J., leaves the bench.

B188404 Northeast 315 Fruit Company et al.
 v.
 Roll International Corporation et al.

Merits:

Argued by Thomas J. Weiss for appellants and by Larry Gutacho for
respondents. Cause submitted.

April 24, 2007 (Continued)

DIVISION ONE (continued)

Vogel, J., leaves the bench.

Rothschild, J., returns to the bench.

B187385 Knit 2000 Inc.
 v.
 Unifi, Inc., et al.

Merits:

Argued by Jacob Segura for appellant and by Stephen C. Pasarow for respondents. Cause submitted.

Court recesses.

Court reconvenes at 10:55 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Jackson, J. (Assigned) and P. Gonzalez, Deputy Clerk.

B186712 Shaver Korff & Castronovo
 v.
 Vip Bhola

Merits:

Argued by Jeanen Moenckmeier for appellant and by Tod M. Castronovo for respondent. Cause submitted.

DIVISION ONE (continued)

B174113 Kamiar Simantob et al.
 v.
 Kaveh Lahijani et al.
 Micha Mottale et al.

Merits:

Argued by John R. Fuchs for appellants and by Stephen Hogan for respondent Lahijani et al., and appellant Mottale. Cause submitted.

Rothschild, J., assumes to the bench.

Vogel, J., leaves the bench.

B189108 Yanzi Lin et al.
 v.
 John Hancock Variable Life Insurance Company

Merits:

Argued by Yanzi Lin for appellant and by John Carroll Holmes for respondent. Cause submitted.

B185830 Richard Yazmajian
 v.
 Grigor Dokuzyan et al.

Merits:

Argued by Richard Yazmajian appellant in propria persona and by Alexander Escandari for respondents. Cause submitted.

Court adjourned.

April 24, 2007 (Continued)

DIVISION TWO

[illegible]

The Court:

The orders of wardship are affirmed.

Doi Todd, Acting P.J., Ashmann-Gerst, J., Chavez, J.

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

B188655 People
v.
Sokveoun S.

Filed order denying petition for rehearing.

DIVISION THREE

B185811 Sturman (Not for Publication)

v.
Oshita

The order awarding attorney's fees in favor of Sturman and Tien's counsel is affirmed. Sturman shall recover his costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B186934 People (Not for Publication)

v.
Spann

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
Aldrich, J.

B195819 Esmeralda B. (Not for Publication)

v.
Superior Court, Los Angeles County
(Los Angeles County Department Of Children and Family Services, r.p.i.)

The petition for extraordinary writ is denied.

Croskey, Acting P.J.

We concur: Kitching, J.
Aldrich, J.

DIVISION THREE (continued)

B194668 Los Angeles County, D.C.S. (Not for Publication)
v.
Tamara S.

The appeal is dismissed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B192296 People (Not for Publication)
v.
David W.

The order declaring David W. a ward of the juvenile court is affirmed.

Klein, P.J.

We concur: Kitching, J.
Aldrich, J.

B189260 Chosen Few Information Systems, Inc., et al. (Not for Publication)
v.
M&N Rug Enterprises, LLC, et al.

The judgment is affirmed. Appellants to bear costs on appeal.

Klein, P.J.

We concur: Croskey, J.
Aldrich, J.

April 24, 2007 (Continued)

DIVISION THREE (continued)

B194006 People (Not for Publication)
v.
Gathrite

The judgment (order revoking probation) is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B188228 Yip, et al. (Not for Publication)
v.
Zia, et al.
Lam, et al.

The order of November 3, 2005, dismissing the two actions is reversed with directions to the superior court to (1) vacate the order of October 24, 2005, approving the settlement; (2) enter a new order denying the motion for settlement approval; and (3) conduct such further proceedings to determine the scope of any further relief as may be appropriate and consistent with the views expressed herein. Objectors are entitled to recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (continued)

B196731 Johnny V. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department Of Children And Family Services, r.p.i.)

Father petition for extraordinary writ is denied.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

B185030 McMillian, et al. (Not for Publication)
v.
City of Los Angeles, et al.

The judgment in favor of plaintiffs Bonner and Allen is reversed. The judgment against defendant Assistant Director Langley is reversed. The judgment in favor of plaintiff McMillian is reversed to the extent it is based on his cause of action for failure to promote due to race discrimination. As the record does not disclose which portion of the damages awarded to plaintiff McMillian was based on the failure to promote cause of action, on which he cannot recover, as opposed to the retaliation cause of action, on which he can, we remand for a new trial on damages on plaintiff McMillian's retaliation cause of action. The parties are bearing their own costs on appeal.

Crockery, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION FOUR

B193243 Ballinger et al. (Not for Publication)

v

Lockheed Martin Aeronautics Company, Inc.

The order is affirmed. Lockheed shall recover its costs on appeal.

Willhite, Acting P.J.

We concur: Manella, J.
 Suzukawa, J.

B187546 People (Not for Publication)

v.

Martinez-Lezama

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
 Manella, J.

B193677 Los Angeles County, D.C.S. (Not for Publication)

v.

Jose R.

The order is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
 Suzukawa, J.

DIVISION FOUR (continued)

B188552 Abtahi (Not for Publication)

v.

Los Angeles County Tax Collector

The judgment is affirmed. Respondent shall have costs on appeal.

Manila, J.

We concur: Willhite, Acting P.J.
 Suzukawa, J.

B189383 People (Certified for Partial Publication)

v.

Smith

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
 Manila, J.

B191648 People (Not for Publication)

v.

Federico G.

The appeal from the judgment is dismissed. The appeal from the order of May 19, 2006, denying appellant's motion to destroy his DNA sample or seal the record of it, is affirmed.

Manila, J.

We concur: Epstein, P.J.
 Willhite, J.

DIVISION FOUR (continued)

B194234 Student Connection Center, LLC (Not for Publication)

v.
Marymount College

The denial of prejudgment interest is affirmed. Defendant shall recover its costs on appeal.

Suzukawa, J.

We concur: Willhite, Acting P.J.
Manila, J.

B189595 Chin (Not for Publication)

v.
Merchant

The judgment is affirmed. Merchant is awarded his costs on appeal.

Suzukawa, J.

We concur: Epstein, P.J.
Manila, J.

B189835 People (Not for Publication)

v.
Arevalo

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Manila, J.

DIVISION FOUR (continued)

B194544 Los Angeles County, D.C.S. (Not for Publication)
v.
Kathy R.

The dispositional order denying reunification services to Kathy is reversed.

Willhite, J.

We concur: Epstein, P.J.
Manila, J.

B189945 Tesoriero (Not for Publication)
v.
Eliaser

The judgment is affirmed. Costs on appeal are awarded to Eliaser.

Willhite, Acting P.J.

We concur: Manila, J.
Suzukawa, J.

B190896 People (Not for Publication)
v.
Halverson

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manila, J.
Suzukawa, J.

DIVISION FOUR (continued)

B193302 Los Angeles County, D.C.S. (Not for Publication)
v.
Raquel B., et al.

The orders are affirmed.

Willhite, J.

We concur: Epstein, P.J.
Manila, J.

DIVISION SIX

B192003 Rush (Not for Publication)
v.
Rush

The judgment is affirmed. Respondent is entitled to recover her costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B195476 Santa Barbara Co. Child Protective Services (Not for Publication)
v.
Deborah D.,

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

April 24, 2007 (Continued)

DIVISION SIX (continued)

B188580 Rooney (Not for Publication)

V.

Eagle Star Ins. Co.

The judgment (order dismissing Eagle Star and County) is affirmed. Eagle Star and County are awarded costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.

Perren, J.

B194680 Human Services Agency (Not for Publication)

V.

Lisa G.

The judgment (order terminating parental rights and finding Joseph adoptable) is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.

Perren, J.

B196578 Samantha D. (Not for Publication)

V.

San Luis Obispo Superior Court

(San Luis Obispo Department of Social Services, r.p.i.)

We deny the petition for extraordinary writ.

Gilbert, P.J.

We concur: Yegan, J.

Perren, J.

DIVISION SIX (continued)

B188139 People (Not for Publication)

V.
Miranda

The trial court shall amend the abstract of judgment to require that Miranda register as a sex offender pursuant to section 290, and forward the amended abstract of judgment to the Department of Corrections. The judgment is otherwise affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B188097 People (Not For Publication)

v.
Barron

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B187714 Infinet Marketing Services

V.
American Motorists Inc. C.

Filed order denying petition for rehearing.

B184255 People

v.
Reyes, et al.,

Filed order denying petition for rehearing.

DIVISION SEVEN

B190549 Sandoval et al., (Not for Publication)
v.
Universal City Studios, et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Johnson, Acting P.J.
 Zelon, J.

B189441 People (Not for Publication)
v.
Pacheco

The judgment is modified to impose the middle term of two years (instead of the upper term of three years) on count 1, but in all other respects, Pacheco's sentence remains unchanged. The clerk of the superior court is ordered to prepare a new abstract of judgment reflecting the imposition of the two-year term on count 1 (plus five years for the criminal street gang enhancement, plus eight months on count 2, with sentences on counts 3 and 4 stayed). The clerk of the superior court shall forward a copy of the new abstract of judgment to the Department of Corrections.

Woods, J.

We concur: Perluss, P.J.
 Zelon, J.

DIVISION EIGHT

B183966 Steven M. Garber & Associates, (Not for Publication)
v.
Eskandarian et al.,

The judgment is affirmed. Respondent is to recover its costs on appeal.

Flier, J.

We concur: Rubin, Acting P.J.
Boland, J.

B178945 People (Not for Publication)
v.
Green, III,

The judgment on count 13 is reversed and the cause remanded for further proceedings. In all other respects, the judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Flier, J.

B187958 People (Not for Publication)
v.
Aquino

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

DIVISION EIGHT (continued)

B190707 Abdalla, (Not for Publication)
v.
Hojabri

The order denying Robert Abdalla's motion for attorney fees is reversed and the cause is remanded to the trial court with directions to vacate its order and, after Abdalla has elected his remedy in accordance with the decision in *CV Properties v. Hojabri* (April 23, 2007, B189235) [nonpub. opn], and after a new judgment has been entered, to enter a new order awarding reasonable attorney fees. The trial court is at liberty to reconsider the amount of the award in light of the partial reversal of the underlying judgment in No. B189235 and any further proceedings, and is directed to include in the award attorney fees incurred in the prosecution of this appeal (but not in the prosecution of the appeal in No. B189235). Abdalla is entitled to recover his costs.

Boland, J.

We concur: Rubin, Acting P.J.
Flier, J.

B187540 People (Not for Publication)
v.
Guzman

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Flier, J.